

38. The method of claim 31 wherein said host cells are  
E. coli.

39. The method of claim 31 wherein said host cells are  
B. subtilis.

40. The method of claim 31 wherein said transformed  
host cells are E. coli. HB101(phigf1).

41. The method of claim 31 wherein said transformed  
host cells are E. coli. HB101(phigf2).

## REMARKS

As explained in the accompanying Reissue Application Declaration, it was an error to fail to claim the subject matter of claims 23-41 hereinabove in the original Bell patent.

As can be seen by a comparison with patent claims 1-22, the newly added claims 23-41 are all directed to methods of producing polypeptides by the expression of nucleic acid sequences which are the subject of the original patent claims.

A study of the patent specification reveals that the disclosure at column 2, lines 32-49, and at column 3, line 5, through column 4, line 11, describes methods for the production of polypeptides by expression of the DNA in suitable hosts.

The newly added method claims correspond to patent claims as follows:

Claims 23-26 recite the same nucleic acid sequences as those recited in patent claim 1.

Claims 27 and 28 recite the same nucleic acid sequences as those recited in patent claims 4 and 5, respectively.

Claims 29 and 30 limit the nucleic acid molecules to "phigf1" and "phigf2" of patent claims 19 and 21, respectively.

Claims 31-33 recite the compositions used for expression as those of patent claim 8.

Claims 34 and 35 recite the compositions of patent claims 12 and 13, respectively.

Claim 36 incorporates the language of patent claim 14 as to the plasmid.

Claims 37-41 correspond directly to patent claims 15-17, 19 and 21 for the definition of the host cell.

It is apparent that no new matter has been incorporated into claims 23-41 since virtually all distinguishing limitations correspond to those present in the original patent claims.

Applicants have fully complied with all the requirements for a broadening reissue application. As stated in MPEP §1403:

[w]hen the reissue application is filed within 2 years from the date of the original patent, a rejection on the grounds of lack of diligence or delay in filing the reissue should not normally be made, in the absence of evidence to the contrary" (emphasis added).

Here, there is no such evidence and applicants respectfully request that the examination and grant of their reissue request be expedited. The reissue claims should be allowable for much the same reasons that the existing patent claims were so found.

Applicants are not now aware of any prior art more pertinent than that filed in their Information Disclosure Statements submitted during the prosecution of the original patent and the prior art cited therein by the Examiner, now listed on pages 1 and 2 of the patent.

Respectfully submitted,

  
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